

Notice of Allowability	Application No.	Applicant(s)	
	10/047,191	HENDERSON, DANIEL A.	
	Examiner	Art Unit	
	Olisa Anwah	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/9/7.
2. ☒ The allowed claim(s) is/are 30-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>2/9/7</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|--|

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EXAMINER'S AMENDMENT

Allowable Subject Matter

1. Claims 30, 33 and 38 are allowed.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Robert Tendler on February 5, 2007.

AMMENDMENT to APPLICATION

4. The application has been amended as follows:
 - a) Regarding claim 30, line 6
--a picture obtained--has been changed to "a non-facsimile picture obtained";
 - b) Regarding claim 33, line 5
--message including a picture--has been changed to "message including a non-facsimile picture";

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c) Regarding claim 38, line 6

--message including a picture--has been changed to "message including a non-facsimile picture";

d) Regarding claim 38, line 15

--associated with said telephone number--has been changed to "associated with said at least one telephone number";

5. The following is an examiner's statement of reasons for allowance:

Breeden, U.S. Patent No. 4,994,797 (hereinafter Breeden) discloses a method for alerting a message recipient, comprising the steps of:

initiating a message from a message originator (see units 11, 12 and 13 from Figure 1) to a message recipient;

receiving at a message center (see unit 10 from Figure 1) coupled to a communications network (see unit 15 from Figure 1) both message originator information provided automatically by the communications network as the caller ID identifying the telephone number of the message originator (see automatic number identification from column 7), and the data (see any further

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message from column 2) obtained from the message originator prior to transmitting the caller ID to a wireless portable communication device (see paging receiver to be paged from column 4); and

causing the communications network to wirelessly transmitting the caller ID and the data from the message center to the wireless portable communication device (see The paging terminal 10 transmits the paging call to the required paging receiver from column 4) and

receiving the wirelessly transmitted data and caller ID at the wireless portable communication device (see Figure 5).

Callaway et al, U.S. Patent No. 5,495,344 (hereinafter Callaway) discloses the data is a picture (see graphic information from abstract). However, both Callaway and Breeden fall short of showing the picture is a non-facsimile picture. Additionally, neither Callaway nor Breeden disclose that the picture is received by the communication network. Consequently, claim 30 is allowed.

On the issue of claims 33 and 38, Breeden discloses a wireless portable communication device (see Figure 3) for use by a message recipient for receiving data from a message originator

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(see units 11, 12 and 13 from Figure 1) having a telephone number, comprising:

a receiver (see unit 50 from Figure 3) operably coupled to receive a message from a message center (see unit 10 from Figure 1) over a wireless connection (see unit 30 from Figure 1), the message including data supplied by the message originator and caller ID automatically provided by a communications network that identifies the telephone number of the message originator, the message originator sending the caller ID with the data to the message center;

a microprocessor (see unit 51 from Figure 3);
a memory (see units 52 and 53 from Figure 3);
a comparator (see step 508 from Figure 5); and
a display (see unit 54 from Figure 3).

Callaway discloses the data is a picture (see graphic information from abstract). However, both Callaway and Breeden fall short of showing the picture is a non-facsimile picture. Additionally, neither Callaway nor Breeden disclose that the picture is received by the communication network. And so, claims 33 and 38 are allowed.

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The Examiner also submits that the claims are allowable over Albert, U.S. Patent No. 5,452,356 in light of Appendix B of the submitted Affidavit.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

OA

Olisa Anwah
Patent Examiner
February 27, 2007


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600